APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,553	07/29/2003	Eng-Giap Koh	59644 (71987)	7474

7590 10/17/2005		EXAMINER
Mr. Peter F. Corless		DOAN, DUC T
EDWARDS & ANGELL, LLP		

ART UNIT	PAPER NUMBER
2188	

101 Federal Street
Boston, MA 02110

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/630,553	KOH ET AL.
		Examiner	Art Unit	
		Duc T. Doan	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2003*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-8* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-8 are in the application.

Claims 1-8 are rejected.

Specifications

The disclosure is objected to because of the following informalities:

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived

by the manner in which the invention was made.

Claims 1-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Makishima (

Japan JP 11-164234-A) and in view of Miura (US 5583715);

(Evidentiary references: Allen et al (US 5151990)).

As for claim 1, Makishima describes a data storage method, which is applicable to a

computer device having a RTC (real-time clock) unit (It's well known in the art that a computer

device is provided with a real time clock; For example, the clock is used to generate the creation

date of files directories stored in a computer; Makishima's page 13 paragraph 12, page 21

paragraph 33 describes function of such a clock), comprising the steps of: (1) determining if a

memory unit of the computer device has enough capacity for data storage when the computer

device receives data and an inputted request for storing the data; if no, prompting an error

message to a user and terminating a data storage process; if yes, proceeding to step (2)

(Makishima's page 22 paragraph 36 describes a mean to detect the signal which is generated

when a memory card is inserted); (2) reading the RTC unit via the computer device to obtain a

time value of a particular date when the data are received ; (3) determining if the memory unit of

the computer device performs data storage operation on the particular date; if no, setting an

identification value to be 1, and proceeding to step (5) (Makishima's page 23 paragraph 38

clearly describes the situation if only one directory has been made on the same day, the directory

name comprises of date, time and the sequence number of 1) ; if yes, obtaining an identification

value of the latest processed data folder on the particular date, and proceeding to step (4) ; (4)

adding the obtained identification value by 1 via the computer device (Makishima clearly

describes in page 23 paragraph 38 the situation if more than one directory has been made on the

same day, the name for the new directory is obtained from the last directory and the increment

of a sequence number); and (5) using the time value from the RTC unit and the identification

value from the step (3) as a name for a folder to be created (Makishima's page 23 paragraph 38,

page 14 paragraph 16 clearly describes of using the date as obtained from RTC to form the name

for the directory being created), and completely storing the data in the memory unit via the

computer device (Makishima describes a directory naming method which uses date and time and

sequence number such that the files in these directories can keep the same names and yet the

files will not be overwritten, Makishima's page 10 lines 1-15, pages 25-26 paragraph 45; This

directory name method can be applied to images stored in any recording medium such as

memory card, magnetic, magneto-optical of various devices such as cameras (Wantanabe's page

12 paragraph 10; pages 20-21 paragraphs 33-34); By organizing files into directories the files can

easily moved to other devices such as personal computer (Makishima's page 19 paragraph 30).

Makishima does not describe the claim's detail of checking the capacity of the receiving storage

device. However, Miura describes of a computer receiving images to store into its floppy disc

(Mimura's Fig 1). The computer checks for the capacity of the disc to determine if the disc can

store the images, if not the operation is aborted, and an error processing is generated (Mimura's

Fig 1: #s3, #s9). It would have been obvious to one of ordinary skill in the art at the time of

invention to include the capacity checking method as suggested by Miura in Makishima's system

to detect and abort the operation early, thereby the system does not have to carry out the disc

access and disk writing steps, since the disc accessing and writing are much slower than IC

memory device (Makishima's column 1 lines 55-62). As for the claim's aspect of sending an

error message to the user, it has been know in the art that when an operation cannot be carried

out, the user is sent a error message; This teaching is evident in Allen et al (US 5151990 column

1 lines 35-40; column 2 lines 25-35), which is introduced here as an evidentiary reference.

As for claim 2, Makishima describes wherein the computer device is selected from the

group consisting of a desktop personal computer (PC), notebook computer, digital camera,

digital voice/video recorder, mobile phone, multimedia player, and personal digital assistant

(PDA) (Wantanabe's page 12 paragraph 10; pages 20-21 paragraphs 33-34; page 19 paragraph

30).

As for claims 3-4, Makishima wherein the memory unit is a hard disk (HDD) or memory

card (claim 3); wherein the data received by the computer device are from a HDD or memory

card (claim 4) (Wantanabe's page 12 paragraph 10; pages 20-21 paragraphs 33-34; page 19

paragraph 30).

As for claim 5, the claim recites wherein in the step (5), the time value from the RTC unit

and the identification value from the step (3) are used as a name for a created folder, allowing the

data to be stored in this folder. The claim rejected base on the same rationale as in the rejection

of claim 1.

As for claims 6-7, Makishima describes wherein the memory card is selected from the

group consisting of a CF (CompactFlash) card, PCMCIA (Personal Computer Memory Card

International Association) card, SD (secure digital) card, MS (memory stick) card, and SMC

(smart media card) (claim 6; Makishima's page 12 paragraph 10); wherein the memory card is

selected from the group consisting of a CF card, PCMCIA card, SD card, MS card, and SMC

(claim 7; Makishima's page 12 paragraph 10).

As for claim 8, the claim recites describes wherein in the step (5), the time value from the

RTC unit and the identification value from the step (3) are used as a name for a data file to be

stored in the computer device. The claim rejected base on the same rationale as in the rejection of

claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Ueda et al (US Pub 2004/0117411).

Hamilton et al (US Pub 2003/0043420).

Shimada et al (US Pub 2004/0128298).

Shimada et al (US Pub 2004/0105656).

When responding to the office action, Applicant is advised to provide the examiner with

the line numbers and page numbers in the application and/or references cited to assist examiner

to locate the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The

examiner can normally be reached on M-F 8:00 AM 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin L. Ellis
Primary Examiner